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MURPHY OIL USA, INC.)	
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Petitioner/Cross-Respondent)	
)	
v.)	No. 14-60800
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	
)	
and)	
)	
SHEILA M. HOBSON)	
)	
Intervenor)	
)	

To the Honorable, the Judges of the United States
Court of Appeals for the Fifth Circuit:

The National Labor Relations Board, by its Deputy Associate General Counsel, respectfully moves this Court for a 60-day extension of time, from March 2, 2015, to and including May 1, 2015, for filing its brief in this case. In support of this motion, the Board shows as follows:

1. Murphy Oil USA, Inc., filed its opening brief on January 28, 2015.
2. The Board's brief is due March 2, 2015. The Board has not previously requested an extension.

3. Oral argument has not been scheduled.

4. Board counsel will be unable to adequately prepare and file its brief by March 2, 2015. The additional 60 days are necessary given the complexity of the issues raised in the Board Order under review and the various additional issues raised by Respondent Murphy Oil USA, Inc., in its opening brief. Those issues include the accommodation of two federal statutes, the role of the Board and the courts in defining federal labor policy and in enforcing the National Labor Relations Act, as well as constitutional considerations. The outcome of the case is, moreover, of great import to the Board: it turns on questions at the core of the NLRA and at issue in dozens of cases currently pending before the agency. Accordingly, the briefing process will entail multi-level internal review.

5. The attorneys directly handling this case for the Board, briefing attorney Jeff Burritt and supervisory attorney Kira Vol, both have had and will continue to have substantial briefing responsibilities in other cases, including the following: *Dover Energy, Inc., Blackmer Division v. NLRB*, D.C. Cir. Nos. 14-1197, 14-1221 (brief due February 20, 2015); *NLRB v. Allied Medical Transport*, 11th Cir. No. 14-15033 (brief due March 9, 2015; on extension); *International Union of Operating Engineers, Local 627 v. NLRB*, 10th Cir. Case Nos. 14-9605, 14-9613 (brief due March 12, 2015); *Don Chavas, LLC v. NLRB*, 9th Cir. No. 14-72574 (brief due March 25, 2015). Mr. Burritt is also currently representing the

Board in complex, time- and fact-intensive, court-ordered mediation proceedings in *Brown and Root Power and Manufacturing, Inc. v. NLRB*, D.C. Cir. Case No. 13-1272, in which he is responsible for determining the multimillion dollar backpay owed to more than 50 discriminatees. Ms. Vol has been involved in internal deliberations regarding proper application of the Supreme Court's recess-appointment decision, *NLRB v. Noel Canning*, 134 S. Ct. 2550 (2014), to a number of cases. And Meredith Jason, the managing attorney on this case, who is also responsible for reviewing the Board's brief, is responsible for reviewing approximately 18 other briefs between now and the third week of April. Board counsel is not prioritizing these matters over the case at hand but, nevertheless, in coordinating this work, it is clear that Board counsel will need additional time to draft the Board's brief here.

6. The Board currently has an unusually heavy docket of cases in the U.S. Courts of Appeals and has no other attorney available to litigate a case of this complexity and import. Nor can any other counsel step in for Mr. Burritt in his court-ordered mediation, given his level of involvement in that case, or in his other cases.

7. Neither Jeffrey A. Schwartz, counsel for Respondent Murphy Oil USA, Inc., nor Richard P. Rouco, counsel for Intervenor Sheila M. Hobson, oppose this request.

WHEREFORE, the Board respectfully requests that the Court grant this unopposed motion and extend the time for filing its brief to and including May 1, 2015.

Respectfully submitted,

s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

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Dated at Washington, DC
this 11th day of February, 2015

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I certify that on February 11, 2015, , the foregoing unopposed motion for an extension of time was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system, and that all counsel are registered CM/ECF users.

s/ Linda Dreeben
Linda Dreeben
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